

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ARIEL INVESTMENTS, LLC)
)
Plaintiff,)
)
v.) Case No. 15-cv-3717
)
ARIEL CAPITAL ADVISORS LLC)
)
Defendant.)

**Plaintiff Ariel's Motion for Leave to
File Certain Documents under Seal**

Plaintiff Ariel Investments, LLC (“Ariel”) hereby requests leave to file under seal certain documents and information in conjunction with its Motion for Partial Summary Judgment pursuant to Local Rule 26.2 and the Protective Order entered in this case. (Dkt. 38.) In support of this Motion, Ariel states as follows:

1. The parties jointly moved the Court on July 22, 2015, to enter the agreed proposed protective order. (Dkt. 24.) That agreed proposed protective order, which is modeled after the standard protective order integrated into the Local Patent Rules for the Northern District of Illinois, provides that parties may designate deposition testimony as “Confidential” or “Highly Confidential” either “by stating on the record at the deposition that a portion of the testimony is Confidential or Highly Confidential” or by advising the opposing party and the stenographer and videographer in writing, within fourteen days after receipt of the deposition transcript, that the information is Confidential or Highly Confidential.” (Dkt. 24-2, ¶ 3(c).) Moreover, a party may designate a document as “Confidential” or “Highly Confidential” by “clearly and prominently marking it on its face” as such. (*Id.* ¶ 3(b).)

2. The Court subsequently granted the parties' motion to enter the agreed protective order. (Dkt. 26.)

3. At this time, Ariel wishes to use certain testimony and exhibits in support of its Motion for Partial Summary Judgment. Because some of the deposition testimony and exhibits being cited by Ariel in its summary judgment papers have been designed as "Confidential" or "Highly Confidential," Ariel requests leave to file the following documents under seal:

- a. A document summarizing Ariel's advertising and marketing expenditures for the years 2000 through 2015, and any associated deposition or declaration testimony; and
- b. A document identifying Ariel Capital's clients including a summary of assets under management and related revenue, and any associated deposition testimony.

4. Pursuant to Local Rule 26.2, Ariel is filing a redacted version of the above referenced documents, its Memorandum in Support of Plaintiff Ariel's Motion for Partial Summary Judgment, and its Statement of Material Facts on the public record. In these redacted documents, Ariel has redacted statements that reflect or reveal the information referenced above.

5. Ariel stands ready to file complete versions of the above documents under seal upon receiving permission to do so from the Court.

For the foregoing reasons, Arial respectfully requests that the Court grant its Motion for Leave to File under Seal.

Dated: October 7, 2016

By: /s/ Zachary J. Watters
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Certificate of Service

I, Zachary J. Watters, an attorney of record in this matter, certify that on October 7, 2016, I caused a copy of the following document:

**Plaintiff Ariel's Motion for Leave to
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to be filed with the Clerk of Court of the United States District Court for the Northern District of Illinois by electronic (ECF) filing, which provides service for the following counsel of record by email delivery:

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